

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Examiner: J. Sitton
Jing Li *et al.*)
Application No.: 10/073,123) Confirmation No. 2334
Filed: February 12, 2002) Group Art No. 1634
For: AMPLIFIED CANCER GENE WIP1) Atty. Docket No. 006539.00046

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This paper responds to the Notice of Non-Compliant Amendment mailed December 7, 2007. We believe no fee is due; charge our Deposit Account No. 19-0733 if this is incorrect.

The Notice states that the amendment filed July 17, 2007 was non-compliant because “the claims do not properly reflect changes in text.” At the time the July 17, 2007 amendment was filed, claims 1, 3, 54, 56-59, and 61-63 were pending. The July 17, 2007 amendment canceled claims 54 and 56 and made no changes to claims 3, 57, 58, 59, or 61-63. The only claim that was amended was claim 1.

Claim 1 as amended July 17, 2007 accurately reflects changes made to claim 1 as it was last amended January 25, 2007. See the comparison in the table below.

marked-up copy of claim 1 as amended January 25, 2007	clean copy of claim 1 as amended January 25, 2007	claim 1 as amended July 17, 2007
A method for diagnosing whether a breast cancer in a human, comprising:	A method for diagnosing a breast cancer in a human, comprising:	A method for diagnosing a breast cancer in a human, comprising:
detecting and measuring gene copy number of a WIP1 gene whose sequence is SEQ ID NO:1 of application 11-1948 whose sequence is SEQ ID NO:1 of application 1-2972 whose sequence is SEQ ID NO:2 in a breast tissue sample from the human that is suspected to be cancerous, thereby generating data for a test gene copy number; and	detecting and measuring gene copy number of a WIP1 gene in a breast tissue sample from the human that is suspected to be cancerous, thereby generating data for a test gene copy number;	detecting and measuring gene copy number of a WIP1 gene in a breast tissue sample from the human that is suspected to be cancerous, thereby generating data for a test gene copy number;
comparing the test gene copy number to data for a control gene copy number, and	comparing the test gene copy number to data for a control gene copy number,	comparing the test gene copy number to data for a WIP1 control gene copy number to detect WIP1 gene amplification; and
wherein an amplification of the gene in the breast tissue sample relative to the control indicates the presence of a breast cancer in the human.	wherein an amplification of the gene in the breast tissue sample relative to the control indicates the presence of a breast cancer in the human.	identifying the breast tissue sample as cancerous if there is whether amplification of the WIP1 gene in the breast tissue sample relative to the control indicates the presence of a breast cancer in the human.

If the Office still contends that the amendments to claim 1 do not properly reflect changes to the text, please explicitly point out the requested changes in the next Office Action.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: December 30, 2007

By:

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